

REMARKS

Applicants add new claims 22-26 and amend claims 1 and 9. Accordingly, claims 1-26 are all the claims pending in the application.

Claim rejections under 35 U.S.C. § 102(b)

Claims 1-3, 5-10, 12-19 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Barrett (U.S. Patent No. 6,167,280). Applicants traverse the rejection for at least the following reasons.

Claim 1

Claim 1 recites, *inter alia*, “setting up a connection between said device and a terminal containing service configuration data and after setting up the connection, exchanging service configuration data between the terminal and the device by means of selected AT commands that the AT command management means of said device are able to interpret.” Applicants respectfully submit that Barrett does not disclose these features of claim 1 for at least the following reasons.

First, Applicant respectfully submits that the Examiner appears to be mixing and matching embodiments of the different disclosures of Barrett, which cannot support the rejection. For example, the Examiner’s reliance of column 1, lines 50-63 of Barrett pertains to a prior art method of transferring digital information over the air using subscriber unit. In particular, Barrett discloses that the prior art method that includes a subscriber unit, radio base system and an interworking unit that contains one or more modems. The subscriber unit requests the radio base system for a data connection (10). The radio subsystem then requests a data circuit 12 in the interworking unit (12). The interworking unit responds with an acknowledgment to the

connection request (14). The subscriber unit and the interworking unit exchange command and data to set up a data communication protocol stack 16 and after the protocol stack is setup, the subscriber unit and the interworking unit exchange AT commands and responses (18) in order to configure the modem according to the user's need. After the modem is configured a connection is established between the subscriber unit and the modem (30) (column 1, line 51 -column 2, line 10).

Barrett discloses that the problem with this prior art method of initiation is that the data transfer requests that AT command and other similar configuration command be sent over the air interface from the subscriber unit to the modem in the interworking unit and use billable air time during the transfer. Such billable air time increase the cost of data transfer from a subscriber unit to a data receiver (column 2, lines 11-23).

In view of the above, Barrett discloses a method in which configurations parameters are prestored in base station controller, computer, or any other location within cellular infrastructure (column 4, lines 31-39). Therefore, when a subscriber unit initiates a data call, the process determines whether or not prestored data connection configuration parameters or modem configurations are available in the cellular infrastructure (column 4, lines 15-47). Once the configuration parameters have been recalled, the process configures the data connection according to the selected configuration parameters. Thus, the first relied upon embodiment (FIG. 1, prior art in the background of the invention) of Barrett and the second relied upon embodiment (FIG. 3) of Barrett are directed to entirely different methods of operation.

It is well settled that features of different embodiments cannot support a rejection absent a specific teaching. *Ex parte* Beuther, 71 USPQ2d 1313, 1316 (BPAI 2003). Therefore, even

though the Examiner attempts to bifurcate the unique feature of claim 1, Applicants respectfully submits that there would have been no motivation or fair suggestion to combine the teachings of the two disparate embodiments of Barrett, especially since Barrett attempts to **teach away** from the prior art methods disclosed in the background of the invention.

Furthermore, Applicant respectfully submits that, even if, *assuming arguendo*, the teachings of the two different embodiments disclosed in Barrett are combined, the resultant product of the combination still would not disclose, “after setting up the connection, exchanging service configuration data between the terminal and the device by means of selected AT commands that the AT command management means of said device are able to interpret.”

In particular, the prior art method disclosed in Barrett discloses exchanging the AT commands to configure and set up data connection between the subscriber unit and the modem (FIG. 1; column 1, lines 51-57 and column 2, lines 7-9). Further, Barrett discloses that thereafter data transfer 30 between subscriber unit and modem may proceed (column 2, lines 9-10). However, Barrett fails to disclose exchanging service configuration data between the terminal and the device by means of selected AT commands **after the setting up of the connection**.

Further, the method of initiating a data transfer discloses that the configuration parameter are in the cellular infrastructure itself, and therefore does not disclose exchanging the data between the device and terminal using AT commands as recited in claim 1. Moreover, Barrett also does not disclose, exchanging service configuration data between the terminal and the device by means of selected AT commands that the AT command management means of said device are able to interpret, **after setting up the connection**.

In view of the above, Applicants submit that claim 1 is allowable over the cited reference.

Claim 9

Applicants submit that claim 9 recites subject matter analogous to claim 1, and therefore is allowable at least by virtue of their dependency.

Claims 2-3, 5-8, 10 and 12-19

Applicants submit that claims 2-3, 5-8, 10 and 12-19 depend from either claim 1 or 9, and therefore are allowable at least by virtue of their dependency.

Claim rejection under 35 U.S.C. § 103(a)

Claims 4 and 11 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Barrett in view of Chandra (U.S. Publication No. 2002/0138582).

Claims 20-21 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Barrett in view of Rouse (U.S. Publication No. 2005/0159136).

Applicants traverse the rejection for at least the following reasons.

Claims 4 and 11

Applicants submit that since claims 4 and 11 depend from one of the independent claims that is allowable, and since Chandra does not cure the deficiency noted above with regard to claim 1, claims 4 and 11 are allowable at least by virtue their dependency.

Claims 20-21

Applicants submit that since claims 20-21 depend from claim 1 and since Rouse does not cure the deficiency noted above with regard to claim 1, claims 20-21 are allowable at least by virtue of their dependency and the additional limitations therein.

New claims

Claim 22-26 depend from claim 1 and therefore are allowable at least by virtue their dependency. Furthermore, the cited references do not teach or suggest the features recited in the new claims.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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